



**GENERAL FISHERIES COMMISSION  
FOR THE MEDITERRANEAN  
COMMISSION GÉNÉRALE DES PÊCHES  
POUR LA MÉDITERRANÉE**



**GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN**

**Thirty-third session**

**Tunis, Tunisia, 23-27 March 2009**

**DRAFT GUIDELINES FOR THE GFCM PERFORMANCE REVIEW**

## INTRODUCTION

1. During its thirty-second session (Rome, February 2008), the General Fisheries Commission for the Mediterranean agreed that the performance review be undertaken in 2009. It also agreed that the draft guidelines, including objectives and criteria for the review, as appended to the meeting report (Appendix E) be considered for ease of reference and as a basis for their enhancement. This will allow to tailor them to the GFCM context and to fine tune the procedure for the selection of the reviewers. This document reproduces the above mentioned guidelines and criteria for the review.

## DRAFT GUIDELINES FOR THE GFCM PERFORMANCE REVIEW

### BACKGROUND

1. The Joint Meeting of the Tuna Regional Fisheries Management Organizations (RFMOs) held in Kobe, Japan (22–26 January 2007), agreed that the tuna RFMOs should have performance reviews, which should be conducted in accordance with a common methodology and a common set of criteria, taking into account as far as possible, the specific requirements of each Commission. At the twenty-seventh session of the FAO Committee on Fisheries (5–9 March 2007), Members emphasized the importance of conducting performance reviews and recognized that each RFMO should independently decide upon the methodology, criteria and frequency of reviews.

2. The purpose of this document is to present a possible approach for the manner in which the GFCM Performance Review could be conducted.

3. The timing and deadlines for the Performance review shall be decided by the Commission. The GFCM will also decide on practical aspects related to the selection of the three external experts. Notably, and accordingly to the intended deadline for the performance review, the Commission shall establish a delay of one month for the nomination of candidates to the Executive Secretary for their inclusion in the pool of internationally recognized experts. The final list shall be circulated to Members who shall have a period of at least one month to express their preferences.

### SUGGESTED APPROACH

#### *1. Terms of reference*

The evaluation of performance should be oriented towards an examination of the Commission's objectives, as stipulated in the GFCM Agreement, and the measures in place to achieve such objectives. A review of GFCM performance should include the following:

a) Assessment of the text of the Agreement, and its ability to assimilate the requirements of international fisheries instruments:

- Are objectives clearly stated, and are they consistent with other international instruments?
- Does the text of the Agreement impose any restraints on the organization that prevent it from implementing international instruments?
- Are the decision-making processes adequate to reach the stated objectives?

b) Assessment of the extent to which measures adopted achieve the Commission's objectives and the objectives of international instruments:

- What measures are in place to achieve each objective?
- What is the extent of compliance with such measures?
- To what extent are the objectives being met?

c) Recommendations on how the GFCM could be improved.

## 2. Criteria and standards for performance evaluation

It is suggested that Commission make use of the common criteria adopted at the sixth round of informal consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement) as presented in **Annex 1**. These criteria outline “what” (at minimum) should be assessed in the performance review.

## 3. Selection of reviewers

This proposal is for a panel of three experts, who have not been involved with GFCM in the last five years, to conduct the review. This panel shall be constituted by one expert in international legal fisheries instruments, one expert in fisheries management, and one expert in fisheries science. The GFCM Secretariat should provide adequate information and other support to the experts to facilitate their work.

The three external experts should have an appropriate level of experience in their specialized field of work, and a command of written and spoken English. Knowledge of other official languages of GFCM would be an advantage. Reviewers should be selected from a pool of internationally recognized experts. The selection should be made by Contracting Parties from a list which will be compiled by the Secretariat on the basis of nominations made by the Contracting Parties of three experts.

## 4. Timing

The work should be carried out within a reasonable time period as specified by the Commission, and should preferably commence no later than [xxx 2009 – to be determined].

## 5. Dissemination and consideration of the performance review report

The performance review report will be presented to the Commission. The Commission will consider the performance review report and any proposals or recommendations. The performance review report will be distributed to Contracting Parties and will also be posted in the GFCM Web site.

## BUDGETARY REQUIREMENTS

On the basis of four weeks work by each individual three experts as discussed above, a total of [...] person days would be required to carry out the review. The price per day includes all materials and communication costs. The daily rate is calculated to be [...], with a total cost of US\$ [...]. In addition, the panel of experts would be required to make one trip for a coordination meeting of experts and one to the GFCM meeting. Travel and per diem under this scenario would be paid by the Commission, but no fees. Costs could vary depending on the original location of experts and location of the meetings, and hence estimates are tentative.

<i>Item</i>	<i>Unit cost</i>	<i>Number of units</i>	<i>Total cost</i>
Days of work			
Travel costs			
Contingencies			
<b>TOTAL</b>			

## ANNEX 1

**Criteria for reviewing the performance of regional fisheries management organizations (RFMOs)**

	<b>AREA</b>	<b>General criteria</b>	<b>Detailed criteria</b>
<b>1</b>	<i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> <li>• Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards.</li> <li>• Trends in the status of those stocks.</li> <li>• Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter “non-target species”).</li> <li>• Trends in the status of those species.</li> </ul>
		Data collection and sharing	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account the United Nations Fish Stock Agreement (UNFSA) Annex I.</li> <li>• Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.</li> <li>• Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs.</li> <li>• Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.</li> </ul>
		Quality and provision of scientific advice	<ul style="list-style-type: none"> <li>• Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.</li> </ul>
		Adoption of conservation and management measures	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available.</li> <li>• Extent to which the RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points.</li> <li>• Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</li> <li>• Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries.</li> <li>• Extent to which the RFMO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems.</li> <li>• Extent to which the RFMO has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.</li> </ul>
		Capacity management	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> <li>• Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>

	AREA	General criteria	Detailed criteria
		Compatibility of management measures	<ul style="list-style-type: none"> <li>• Extent to which measures have been adopted as reflected in UNFSA Article 7.</li> </ul>
		Fishing allocations and opportunities	<ul style="list-style-type: none"> <li>• Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11.</li> </ul>
2	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> <li>• Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, <i>inter alia</i>, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.</li> </ul>
		Port State measures	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3.</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes).</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>
		Follow-up on infringements	<ul style="list-style-type: none"> <li>• Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.</li> </ul>
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance).</li> <li>• Extent to which these mechanisms are being effectively utilized.</li> </ul>
		Market-related measures	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States.</li> <li>• Extent to which these market-related measures are effectively implemented.</li> </ul>
3	<i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> <li>• Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.</li> </ul>
		Dispute settlement	<ul style="list-style-type: none"> <li>• Extent to which the RFMO has established adequate mechanisms for resolving disputes.</li> </ul>
4	<i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> <li>• Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.</li> <li>• Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.</li> </ul>
		Relationship to cooperating nonmembers	<ul style="list-style-type: none"> <li>• Extent to which the RFMO facilitates cooperation between members and nonmembers, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> <li>• Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities.</li> </ul>
		Cooperation with other RFMOs	<ul style="list-style-type: none"> <li>• Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.</li> </ul>

	<b>AREA</b>	<b>General criteria</b>	<b>Detailed criteria</b>
		Special requirements of developing States	<ul style="list-style-type: none"> <li>• Extent to which the RFMO recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5.</li> <li>• Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.</li> </ul>
<b>5</b>	<i>Financial and administrative issues</i>	Availability of resources for RFMO activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions.</li> </ul>
		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> <li>• Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</li> </ul>